

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GEMINI TRUST COMPANY, LLC,

Plaintiff,

v.

DIGITAL CURRENCY GROUP, INC.
and BARRY SILBERT,

Defendants.

Case No. 1:23-cv-06864-LJL [rel. 23-2027]

Hon. Lewis J. Liman

ORAL ARGUMENT REQUESTED

DEFENDANTS' NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, and the Declaration of Caroline Hickey Zalka, dated October 3, 2023, with exhibits attached thereto, Defendants Digital Currency Group, Inc. and Barry Silbert, by and through their undersigned counsel, hereby move this Court before the Honorable Lewis J. Liman, at the United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an Order, pursuant to Federal Rules of Civil Procedure 8, 9(b), and 12(b)(6), dismissing with prejudice the Amended Complaint in this action, and for any further relief that the Court may deem just and proper.

Dated: October 3, 2023
New York, New York

Respectfully submitted,

Joshua M. Wesneski
WEIL, GOTSHAL & MANGES LLP
2001 M Street NW, Suite 600
Washington, DC 20036
Tel: (202) 682-7000
Fax: (202) 857-0940

/s/ Jonathan D. Polkes

Jonathan D. Polkes
Caroline Hickey Zalka
Stefania D. Venezia
Dylan L. Ruffi
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Tel: (212) 310-8000
Fax: (212) 310-8007

*Counsel for Defendants Digital Currency
Group, Inc. and Barry Silbert*